

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

PIERCE McINTOSH, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO.: 4:10cv072-WAP-DAS

HALEY BARBOUR, ET AL.

DEFENDANTS

**ORDER STAYING DISCOVERY
PURSUANT TO LOCAL RULE 16(b)(3)**

This matter is before the Court on the Motion of Defendants, Haley Barbour, Governor of Mississippi, Jim Hood, Mississippi Attorney General, and the Mississippi Department of Education to Dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure, wherein Defendants challenge the Court's subject matter jurisdiction and raise the Eleventh Amendment immunity defense. Rule 16(b)(3)(B) of the Uniform Local Rules of the United States District Courts for the Northern and Southern Districts of Mississippi states that the filing of an immunity or jurisdictional defense motion shall stay the attorney conference and all discovery not related to such issue and shall stay the parties' obligation to make further disclosures pending the Court's ruling on the Motion. Local Rule 16(b)(3)(C) further requires that the moving party submit to the United States Magistrate Judge a proposed Order granting such a stay. Accordingly, it is therefore,

ORDERED that, pursuant to Local Rule 16(b)(3)(B), and in light of the fact that the Defendants have filed a potentially dispositive motion raising jurisdictional and immunity defenses, all discovery in this matter not related to such issue is hereby stayed as to all parties, including the making of any further disclosures by any party, all pending this Court's ruling on

the Motion to Dismiss.

In accordance with Local Rule 16(b)(3)(D), upon receiving a ruling from the Court on the Motion to Dismiss, Plaintiffs shall notify the United States Magistrate Judge of a decision on the defense Motion and shall submit an Order Lifting the Stay. Within fourteen (14) days of the Order Lifting the Stay, the parties shall confer in accordance with the Local Rules. In accordance with Local Rule 16(b)(3)(D) a case management conference will be scheduled within sixty days of the order lifting the stay.

SO ORDERED, this the 9th day of August 2010.

/s/David A. Sanders
UNITED STATES MAGISTRATE JUDGE